
OLR Bill Analysis

sHB 5802 (as amended by House "A")*

AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.

SUMMARY:

This bill codifies Executive Order No. 45 (issued by then Governor Rell), which prohibits anyone from using flammable gas to clean or blow an electric generating facility's (power plant) gas piping. It prohibits the Connecticut Siting Council from issuing a certificate to build a power plant unless the applicant demonstrates, to the council's satisfaction, that he or she (1) has retained, for the project's duration, at least one special inspector to help the local fire marshal review construction plans and inspect the facility during construction and (2) paid a fee the bill establishes to be used to help train local fire marshals in power plant construction issues.

The bill subjects to a fine of up to \$100, 000, imprisonment for up to two years, or both, for each offense, anyone who (1) uses flammable gas to clean or blow a power plant's gas piping or (2) obtains a power plant building certificate and fails to retain the required special inspector or pay the fire marshal training fee.

The bill requires the Siting Council to meet with and solicit comments from specified state agencies when considering applications to build power plants. It requires that at least once during construction, the council and some of the agencies meet to discuss any known or potential safety issue at the power plant and submit any proposed resolutions to the project's special inspector.

*House Amendment "A" (1) prohibits anyone from using flammable gas to clean or blow a facility's gas piping, not just people operating or constructing the facility as under the original bill; (2) increases the fine for violations from \$1,000 to \$100,000 and the prison

term from six months to two years; (3) explicitly prohibits the Siting Council from issuing a permit to construct a facility to anyone who does not meet criteria; (4) specifies how the fire marshal training fee must be determined; (5) specifies that the special inspector must be retained for the duration of a project; (6) drops the requirement that the inspector be commissioned by the American Society of Mechanical Engineers or have specified equivalent experience; and (7) makes technical changes.

EFFECTIVE DATE: Upon passage

SPECIAL INSPECTORS

Requirement to Retain Special Inspector

The bill requires anyone applying to the Connecticut Siting Council for a certificate to build an electric generation or storage facility to:

1. retain at least one special inspector to help the local fire marshal review construction plans and inspect the facility during construction to ensure compliance with recommended standards and
2. pay a fee to be used to help train local fire marshals on the complex issues of power plant construction.

The bill requires the fee to be (1) established in accordance with CGS § 29-251c and (2) deposited in the “code training fund.” (The section cited does not specify a process for establishing fees. Rather, it requires the public safety commissioner to adopt regulations to establish an administrative process to adjust (1) fees assessed under two other statutes and (2) the portion of the fees that a municipal building department may retain for administrative cost (see BACKGROUND)).

Special Inspector's Duties

The special inspector must:

1. help the local fire marshal in his or her review and approval of cleaning methods for interior gas piping,

2. approve an appropriate safety plan for nonflammable gas blows conducted at the facility,
3. observe cleaning procedures to ensure compliance with the approved methods for cleaning interior gas piping, and
4. inspect the facility during construction to ensure compliance with the approved cleaning methods and with the bill.

Qualifications of Special Inspector for Electric Generating Facility

Anyone designated as a special inspector must:

1. be approved by the Siting Council and not be otherwise employed or financially involved in the facility's construction or operation and
2. be licensed in Connecticut as a professional mechanical engineer or hold a commission from the National Board of Pressure Vessel Inspectors and have knowledge of and field experience in power plant construction.

HEARINGS

Power Plant Application

Before commencing any hearing on a power plant application, the bill requires the Siting Council to consult with and solicit written comments from the Council on Environmental Quality; the Office of Policy and Management; and the departments of Agriculture, Consumer Protection, Economic and Community Development, Emergency Management and Homeland Security, Environmental Protection, Labor, Public Health, Public Works, Public Safety, Public Utility Control, and Transportation.

Meetings During Construction of Power Plants

The bill requires that at least once during construction of a power plant, the council and specified departments meet to discuss any known or potential safety issue at the facility and submit any proposed resolutions to special inspector. The departments are Emergency Management and Homeland Security, Public Safety, Consumer

Protection, Public Works, and Labor.

BACKGROUND

Connecticut Siting Council

This council has exclusive jurisdiction over most power plants. The exceptions are:

1. emergency generators and
2. a generation facility that is:
 - (a) owned and operated by a private power producer (certain non-utility generators),
 - (b) a qualifying small power production facility or a qualifying cogeneration facility under the federal Public Utility Regulatory Policies Act (i.e., a facility that uses renewable energy or simultaneously produces electricity and useful heat) or a facility the council determines to be primarily for a producer's own use, and
 - (c) a renewable energy facility with a generating capacity of 1 MW or less or a cogeneration facility with a capacity of 25 MW or less (CGS § 16-50i(a)).

In most cases, a developer must obtain a certificate of environmental compatibility and public need from the council before beginning work on a power plant (CGS § 16-50k(a)). But, the council must approve certain generating facilities by declaratory ruling, an alternative process. These include various generation facilities with a capacity of 65 MW or less.

Fire Marshal Training Fees

The law requires the state building inspector and local building officials, as applicable, to assess an education fee on state and local building permit applications (CGS §§ 29-252a(b)(2) and 29-263(b)). The fee is 16 cents per \$1,000 of construction value as declared on the permit application, but may be adjusted downward or upward as the

law specifies. The fees go into the state's General Fund and are credited to the Department of Public Safety appropriation for building and fire safety code training and education programs, except for a small percentage retained by towns for administrative expenses.

Related Bill

HB 1142 (File 459), reported by the Energy and Technology Committee, among other things:

1. makes DPUC responsible for coordinating safety programs related to the construction and operation of power plants,
2. bars the Siting Council from approving a gas-fired power plant unless it finds that the plant will not jeopardize nearby residents and property,
3. gives the Department of Public Utility Control (DPUC) responsibility for coordinating state safety programs that relate to the safe operation of power plants,
4. requires any state agency responsible for a program that relates to the safe operation of a power plant to coordinate its programs with DPUC, and
5. authorizes DPUC's gas pipeline safety unit to ensure that natural gas is used safely at any power plant that uses this fuel.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/08/2011)

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 0 (04/12/2011)

Judiciary Committee

Joint Favorable

Yea 36 Nay 0 (04/26/2011)

Energy and Technology Committee

Joint Favorable

Yea 19 Nay 0 (05/10/2011)